

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES E. NOTTINGHAM,

Petitioner,

v.

RICHARD A. GRAY, et al.,

Respondents.

No. 4:18-CV-02002

(Judge Brann)

(Magistrate Judge Mehalchick)

**ORDER**

**DECEMBER 30, 2019**

James E. Nottingham, a Pennsylvania state prisoner, filed this 28 U.S.C. § 2254 petition seeking to vacate his conviction and sentence.<sup>1</sup> Nottingham names several respondents, including Richard A. Gray and Nancy Butts, both of whom are or were state court judges.<sup>2</sup> In November 2019, Magistrate Judge Karoline Mehalchick issued a Report and Recommendation recommending that this Court grant a motion to dismiss filed by Gray and Butts and dismiss both individuals as improperly named respondents.<sup>3</sup> Magistrate Judge Mehalchick further recommends

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<sup>1</sup> Doc. 1.

<sup>2</sup> *Id.*

<sup>3</sup> Doc. 59.

denying as moot Nottingham's request for an injunction.<sup>4</sup> Nottingham filed timely objections to the Report and Recommendation.<sup>5</sup>

"If a party objects timely to a magistrate judge's report and recommendation, the district court must 'make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'"<sup>6</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations.<sup>7</sup> Upon de novo review, the Court finds no error in Magistrate Judge Mehalchick's conclusion that Gray and Butts are not proper respondents and that Nottingham's request for an injunction is moot. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Karoline Mehalchick's Report and Recommendation (Doc. 59) is **ADOPTED**;
2. Richard A. Gray and Nancy Butts are **DISMISSED** from this action; and
3. Nottingham's motion for injunctive relief (Doc. 19) is **DENIED** as moot.

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<sup>4</sup> *Id.*

<sup>5</sup> Doc. 64.

<sup>6</sup> *Equal Emp't Opportunity Comm'n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

<sup>7</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge